

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CENTRAL STATES, SOUTHEAST AND)	
SOUTHWEST AREAS PENSION FUND;)	
CENTRAL STATES, SOUTHEAST AND)	
SOUTHWEST AREAS HEALTH AND)	
WELFARE FUND; and)	Case No. 12 C 4084
ARTHUR H. BUNTE, JR., as Trustee,)	
)	Honorable Andrea R. Wood
<i>Plaintiffs,</i>)	District Judge
)	
v.)	
)	
WINGRA REDI-MIX, INC.,)	
a Wisconsin corporation,)	
)	
<i>Defendant.</i>)	

AGREED MOTION FOR ENTRY OF PROPOSED JUDGMENT ORDER

In accordance with this Court's Memorandum Opinion and Order entered on April 18, 2016, Plaintiffs, Central States, Southeast and Southwest Areas Pension Fund (the "Pension Fund") and Arthur H. Bunte, Jr., trustee, and Defendant, Wingra Redi-Mix, Inc., hereby move for entry of a proposed Judgment Order. In support of this Motion, the parties state as follows:

1. The parties agree that judgment may be entered in favor of Plaintiffs, Central States, Southeast and Southwest Areas Health and Welfare Fund and Arthur H. Bunte, Jr., trustee, have and recover judgment from and against Defendant, Wingra Redi-Mix, Inc., in the total amount of \$142,526.23, exclusive of attorneys' fees and costs.

2. The parties agree that judgment may be entered in favor of Plaintiffs, Central States, Southeast and Southwest Areas Pension Fund and Arthur H. Bunte, Jr.,

trustee, have and recover judgment from and against Defendant, Wingra Redi-Mix, Inc., in the total amount of \$46,117.24, exclusive of attorneys' fees and costs

3. The Plaintiffs also request that post-judgment interest on the entire judgment balance at the greater of: (i) an annualized interest rate equal to two percent (2%) plus the prime interest rate established by JPMorgan Chase Bank, NA for the fifteenth (15th) day of the month for which the interest is charged; or (ii) at an annualized interest rate of seven and one-half percent (7.5%), with said interest to be compounded annually.

4. The parties agree Plaintiffs are allowed costs taxable under 28 U.S.C. § 1920. Further, pursuant to 29 U.S.C. §1132(g)(2)(D), Plaintiffs are entitled to an award of reasonable attorneys' fees and non-taxable costs. The parties agree that any request for taxable costs and attorneys' fees and non-taxable costs be handled pursuant to Local Rules 54.1 and 54.3.

5. The parties request that the deadlines under Local Rule 54.1 and 54.3 be extended for an additional 30 days, such that: (i) any bill of costs will be due 60 days after the entry of the Judgment Order under Local Rule 54.1; and (ii) any motion for attorneys' fees and non-taxable costs will be due 120 days after entry of the Judgment Order under Local Rule 54.3.

6. The parties also request that in the event either party files an appeal of the Judgment Order, the deadlines set forth in Local Rule 54.1 and 54.3 will begin to run from the date the mandate is returned.

7. Prior to filing this motion, counsel for Plaintiffs and counsel for Defendants conferred pursuant to Local Rules 54.1 and 54.3. Counsel for Defendant agrees, subject to paragraph 8 below, to the entry of the proposed Judgment Order.

8. The entry of this Judgment does not affect the ability of Defendant to appeal, including but not limited to, challenging this Court's decision to enter summary judgment in favor of Plaintiffs and against Defendant, the amounts listed above in paragraphs 1 and 2, or any subsequent order for attorneys' fees and costs. Nothing in this Judgment shall be construed as waiving or forfeiting Defendant's right to appeal any aspect of this Judgment.

9. A copy of the proposed Judgment Order is attached hereto as Exhibit A. The proposed Judgment Order has also been submitted to the Court's proposed order e-mail address.

WHEREFORE, for the reasons set forth herein, the parties request that this Court enter the agreed proposed Judgment Order attached as Exhibit A and for such other relief deemed just and proper.

Respectfully submitted,

/s/ Anthony E. Napoli
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/s/ with consent of Robert S. Driscoll
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CERTIFICATE OF SERVICE

I, Anthony E. Napoli, one of the attorneys for Plaintiffs, certify that on July 29, 2016, I electronically filed the forgoing Agreed Motion for Entry of Proposed Judgment Order with the Clerk of the Court using the ECF system. This filing was served on all parties indicated on the electronic filing receipt via the ECF system.

/s/ Anthony E. Napoli
Anthony E. Napoli
One of Central States' Attorneys